

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

ESCAPES!, INC., )  
Plaintiff, )  
vs. ) CIVIL ACTION NO: 09-00515-KD-M  
LEGACY LAND & DEVELOPMENT )  
LLC; *et al.*, )  
Defendants. )

**ORDER**

After due and proper consideration of all pleadings in this file and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 30, 2009 is hereby **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Defendant Balliett's Motion to Dismiss (Doc. 17) is **DENIED**.

**DONE** and **ORDERED** this the 14<sup>th</sup> day of **December 2009**.

/s/ Kristi K. DuBose  
**KRISTI K. DUBOSE**  
**UNITED STATES DISTRICT JUDGE**